S. HRG. 99-802

NOMINATION OF EVELYN ELAINE CRAWFORD QUEEN

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON THE

NOMINATION OF EVELYN ELAINE CRAWFORD QUEEN TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

JUNE 18, 1986

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NOMINATION OF EVELYN ELAINE CRAWFORD QUEEN

WEDNESDAY, JUNE 18, 1986

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:35 a.m., in room SR-301, Russell Senate Office Building (Hon. Charles McC. Mathias, Jr.) presiding.

Present: Senator Mathias.

OPENING STATEMENT OF SENATOR MATHIAS

Senator MATHIAS. The committee will come to order.

On April 25, the President of the United States nominated Evelyn Elaine Crawford Queen of the District of Columbia to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years.

The staff tells me that Mrs. Queen has been very cooperative in providing the committee with information.

This nomination has been the subject of a careful review. In 1978, the committee adopted rule 8, which contains the requirements which must be met on all confirmations subject to committee evaluation. This rule requires that the committee conduct an inquiry into the nominee's experience, qualifications, integrity, and suitability to serve in the position for which she has been nominated. The committee believes that this rule ensures a thorough, yet reasonable, review of the nominee's background and qualifications. I will briefly recount, for the record, the steps that the committee has taken on this nomination prior to today's hearing.

First, the nominee was asked for and supplied detailed information on her education, employment, and professional achievements, as well as a complete financial statement.

The financial statement and biographical information are available for inspection by the public in the committee office. In addition, the biographical information on the nominee will be placed in the record as a part of this hearing.

[The information referred to follows:]

BIOGRAPHICAL AND FINANCIAL INFORMATION
REQUESTED OF NOMINEES

A. Biographical Information

1. Name: (Include any former names used.)

Evelyn Elaine Crawford Queen
Evelyn Elaine Crawford (prior to March 6, 1971)
Evelyn Elaine Carter (By Court decree in Albany, New York as the result of a paternity suit)

2. Position to which nominated:

Associate Judge, Superior Court of the District of Columbia

3. Date of nomination:

April 25, 1986

4. Address:

Residence: 7529 - 16th Street, N.W.
Washington, D.C. 20012

Office: Superior Court of the District of Columbia
500 Indiana Avenue, N.W.
Room 1450
Washington, D.C. 20001

5. Date and place of birth:

April 6, 1945, Albany, New York

6. Marital status: (Include maiden name of wife or husband's name.)

Married to Charles Allen Queen

7. Names and ages of children:

Angela Yvonne Queen (stepdaughter), born May 6, 1961
and George Yates Queen, born May 31, 1982

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

Philip Schuyler Senior High School
Albany, New York 1960 - 1963
High School Diploma Granted - June 1963

Howard University
College of Liberal Arts
Washington, D.C. 1963 - 1968
BS awarded January 1968

American University
College of Continuing Education
Washington, D.C. 1969 - 1970 - No degree awarded

Bowie State College
Bowie, Maryland 1970 - 1972 - No degree awarded

Howard University
Law School
Washington, D.C. 1972 - 1975
JD awarded June 1975

9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

Hearing Commissioner 11/1982 to the present
Superior Court of the District of Columbia
500 Indiana Avenue, N.W.
Washington, D.C. 20001

Assistant United States Attorney 7/1979 to 11/1982
United States Department of Justice
United States Attorney's Office for the District of Columbia
500 Indiana Avenue, N.W.
Washington, D.C. 20001

Attorney - Advisor 1/1977 to 6/1979
Department of Commerce
Maritime Administration
14th and Pennsylvania Avenue, N.W.
Washington, D.C. 20005

Attorney 5/1975 to 11/1976
Metropolitan Life Insurance Company
1 Madison Avenue
New York, New York

Personnel Management Specialist
Department of Health, Education and Welfare
National Institutes of Health
Office of Personnel, Training Division
1973-75 - National Cancer Program
1971-73 - Office of Director, National Institutes of Health
1970-71 - National Institute of Child Health and Human Development.

Management Intern 1/1969 to 4/1970
Department of Health, Education and Welfare
National Institutes of Health
Bethesda, Maryland

Housing Counselor 10/1968 to 1/1969
United States Air Force
The Pentagon
Washington, D.C.

Substitute Teacher 9/1968 to 10/1968
D.C. Public Schools
Instruction Administration
12th and Pennsylvania Avenue, N.W.
Washington, D.C.

Park Ranger 3/1968 to 8/1968
U.S. Department of Interior
U.S. Park Service
Ford's Theatre
511 - 10th Street, N.W.
Washington, D.C.

10. **Government experience:** List any advisory, consultative, honorary or other part-time services or positions with Federal, State, or local governments, other than those listed above.

None.

11. **Business relationships:** List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

None.

12. **Memberships:** List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

American Bar Association - member
Washington Bar Association - member
District of Columbia Bar Association - member
Assistant United States Attorneys' Association - member
Black Assistant United States Attorneys' Association - member
The Howard Law Alumni Association of the Greater Washington Area, Inc. - Vice President 1978-79, current member
Phi Alpha Delta, Langston Chapter - nonactive member since 1976

League of Republican Women of the District of Columbia - member
National Federation of Republican Women - member
District of Columbia Council of Black Republicans
Fraternal Order of Police - Jerrard F. Young #1 Lodge, Associate Member
Women's Bar Association of the District of Columbia
National Bar Association, Women's Division, Greater Washington Area Chapter

13. Political affiliations and activities:
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.
(c) Itemize all political contributions to any individual, campaign organization, political parties, political action committee, or similar entity of $50 or more for the past 10 years.

(a) None.
(b) I am registered Republican in the District of Columbia and a member of the Council of Black Republicans. I have worked in minor capacities on election campaigns of local candidates.
(c) I have not made any financial contributions to any political campaigns or action committee.

14. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Special Achievement Award - 1981
Department of Justice,United States Attorneys Office of the District of Columbia

Special Achievement Award - 1975
Department of Health, Education and Welfare
National Institutes of Health
National Cancer Program

Cited, Outstanding Young Woman of America, 1975

Citation of Appreciation
The Barrister, (Howard University Law School newspaper)

Certificate of Merit, Howard University Law Journal, Howard University Law School

Grant in Aid, Howard University
Law School - 1973

Scholarship Award - Howard University, 1963

Senior Class Speaking Prize
Philip Schuyler High School
Albany, New York 1963

Gamma Sigma Rho Sorority of Albany, New York
Senior Oration Award 1963

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

I have not published.

16. **Speeches:** Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies or and are on topics relevant to the position for which you have been nominated.

I have not delivered any formal speeches.

17. **Selection:**
(a) Do you know why you were chosen for this nomination by the President?
(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

(a) I do not know why the President nominated me, except my credentials qualify me for the position.

(b) For more than 3 years I have served as a Commissioner in the Superior Court of the District of Columbia. As a Commissioner, I have served as a judicial officer in the Criminal and Civil branches of the Court determining bond, probable cause, evidentiary rulings at trial, sentencing and civil liabilities in small claims matters. I have learned during my tenure to listen, consider and rule in accordance with the law, even when that ruling may be unpopular. I apply the law fairly and with respect for all parties before me such that all litigants realize they have received equitable treatment and the decision was rendered in accordance with the law. I believe I enjoy a reputation for good judicial temperament and sound legal knowledge among the bench and bar of the community.

B. Future Employment Relationships

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

If confirmed I will maintain a relationship with my current employer. I currently work for the Superior Court of the District of Columbia under the direction of the Chief Judge of the Court. This relationship will be maintained although with independent authority bestowed by the President. I will, however, sever all relationships with all former employers.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

I plan to serve a full term.

C. Potential Conflicts of Interest

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

None.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

I do not believe that any of the investments, obligations or liabilities identified in Section E of this statement involve any potential conflicts of interest.

however, if I am confirmed by the Senate I would not handle any matters pertaining to property of which I am co-owner. Beyond the items identified in Section E I do not believe any other possible sources of conflict exist. Furthermore, since becoming a Commissioner I have not participated in any manner in the management or control of investment held by myself and other family members.

3. Describe any business relationship, dealing or financial transactions which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

I have been a Commissioner on the Superior Court since 1982 and in that capacity acted as a judicial officer. Prior to 1982 I was an Assistant United States Attorney and it has been my practice as a Commissioner to advise all parties when defendants are presented to me with whom I had contact as an Assistant United States Attorney. I will continue the practice of advise and recusal from any matter in which the United States is a party and relates to my tenure in the United States Attrorneys' Office.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

I have not engaged in any activities designed to influence legislation.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

I will continue to recuse myself from any matter which presents any potential for conflict of interest. I also have withdrawn from participation in the management of family property and will maintain that posture.

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes.

D. Legal Matters

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Not to my knowledge.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

On five occasions I have been a party at interest in civil litigation relative to property matters:

(1) Charles A. Queen et al v. Vina Harper, for possession of 1319 North Capitol Street under a commercial lease. An eviction order was served (1984).

(2) Charles A. Queen et al v. Gail Taplin. A suit in Landlord/Tenant Court under a lease for rents and possession. Case settled (1984).

(3) Charles A. Queen et al v. Samuel Johnson et al, a suit in Landlord/Tenant Court for rent and possession pursuant to a lease. Possession secured (1979)

(4) Charles A. Queen et al v. Patricia Hamilton et al. A suit in Landlord/Tenant Court for rent and possession of premises under a lease. (1972)

(5) Charles and Evelyn Queen v. Estate of William Brooks. A suit to quiet title in 5.6 acres of land in Charles County, Maryland, upon full payment of a mortgage. Case settled with title in Queens and mortgage released. (1986).

4. Have you ever been convicted (including please of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

I am not aware of any additional information.

F. Questions Concerning Statutory Qualifications Pursuant to District of Columbia Court Reform and Criminal Procedure Act of 1970, Sec. 11-1501(b) of the D.C. Code as Amended

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Yes - admitted 1977 by motion.

4. If the answer to No. 3 is "No"-
(a) Are you a professor of law in a law school in the District of Columbia?
(b) Are you an attorney employed in the District of Columbia by the United States or the District of Columbia?

(c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?
(d) Upon what grounds is that eligibility based?

Not applicable.

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

7529 - 16th Street, N.W.
Washington, D.C. April 1977 to present

7. Have you maintained an actual place of abode in such area for at least 5 years.

Yes.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

No.

9. Have you been a member of either Commission within the last 12 months?

No.

AFFIDAVIT

I, Evelyn E. Crawford Queen, being duly sworn, hereby stated that she has read and signed the foregoing Statement on Biographical and Financial information and that the information provided therein is, to the best of her knowledge, current, accurate and complete

EVELYN E. CRAWFORD QUEEN

Subscribed and sworn before me this 9th day of May, 1986

Notary Public

My Commission Expires October 31, [illegible]

Senator MATHIAS. The committee proceeded to review the nominee's biographical and financial information, as well as a report submitted by the Office of Judicial Ethics. Following that, in my role as chairman of the committee, I reviewed the FBI report on Mrs. Queen, which was also reviewed by Senator Eagleton, the ranking minority member.

Finally, the nominee was individually interviewed by designated committee staff members who then submitted a report to members of the committee containing all relevant qualifications for the position to which she has been nominated.

We are now at the point where I will ask the nominee to come forward to the witness table. In accordance with committee procedure, you are required to take an oath. Will you raise your right hand?

Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mrs. QUEEN. I do.

Senator MATHIAS. Please take a seat. First of all, let me congratulate you on your nomination.

Mrs. QUEEN. Thank you.

TESTIMONY OF EVELYN ELAINE CRAWFORD QUEEN, NOMINEE TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Senator MATHIAS. We have some standard questions that we generally ask of all nominees. Let me put them to you at this time.

First of all, a very general sort of question. Do you know of any reason, personal reason or any other kind of reason, that would in any way prevent you from fully and honorably discharging your responsibilities as a judge in the court to which you have been nominated?

Mrs. QUEEN. No.

Senator MATHIAS. Now a somewhat difficult question because it involves looking into the future, which none of us are very good at doing. In the event that you should be confirmed, is it your intention, as far as you can see, to serve the full 15-year term of office?

Mrs. QUEEN. I intend to serve the full 15 years.

Senator MATHIAS. Have you ever been involved in litigation, civil litigation, or administrative proceedings of any kind as either plaintiff, defendant, respondent, witness, party at interest, which is directly or indirectly related to the office to which you are nominated?

Mrs. QUEEN. I have not.

Senator MATHIAS. Have you, or any member of your immediate family, been involved in any controversy or litigation with the tax authorities of the Federal Government, the District Government, or any State or local government?

Mrs. QUEEN. Only the standard audit, nothing more.

Senator MATHIAS. What do you mean, "standard audit"?

Mrs. QUEEN. As my background investigation will reveal, I was audited for the years of 1976, 1977, and 1978, without any problems. In 2 years, I paid additional taxes, and in 1 year I had an additional refund.

Senator MATHIAS. You have no tax liability at this time?

Mrs. QUEEN. None.

Senator MATHIAS. Is there anything of which you are aware in your background, professional or personal, which would present some kind of conflict of interest with the duties of the office to which you have been nominated?

Mrs. QUEEN. I am aware of nothing specific that would be a conflict of interest.

Senator MATHIAS. How would you propose to resolve any potential conflict of interest that might arise during your tenure on the bench?

Mrs. QUEEN. Currently, as a hearing commissioner, I usually resolve conflicts that I perceive by advising all parties, and asking if there are any objections. If there are any objections, I recuse myself, or I recuse myself if I believe there is a conflict of interest on an issue. I think that this is the safest course to take. When I feel that there is some personal conflict between me and the litigant, or the attorney, or I have a bias on the issue before the court, I recuse myself.

Senator MATHIAS. Have you had occasion to do that very often in your current situation?

Mrs. QUEEN. Not very often, but I have had occasion to do so.

Senator MATHIAS. Would you tell the committee a little something about your background, your education, professional experience, and emphasize, if you would, those points that you think especially qualify you to sit on the Superior Court of the District of Columbia.

Mrs. QUEEN. I would characterize my education as formal and informal. My formal education was in the public schools of Albany, NY, and then at Howard University, both undergraduate and law.

My informal education was working for 4 years between undergraduate school and law school, trying to save some money, and really trying to prepare myself to professionally tackle a career.

After law school, I went to work for Metropolitan Life Insurance Co., in their litigation department. It was a civil, supervisory situation in that I did not often appear personally in court, but retained and oversaw counsel, in the local jurisdiction.

After the Metropolitan Life Insurance Co., I joined the Maritime Administration, the legal staff there basically oversaw and protected the Government's interests in the development of the maritime industry. That was basically contract and bond work, financial in nature. It required the assumption of a great deal of responsibility to protect the Government from inappropriate involvement in guaranteeing bonds for the development of the maritime industry.

Then I served in the U.S. attorney's office for the District of Columbia as an assistant State attorney. I tried cases, jury and nonjury, misdemeanor and felony, and I argued cases before the District of Columbia Court of Appeals and the U.S. District Court for the District of Columbia Circuit. That rounded out my education, and I became a trial lawyer.

Trial work requires an attorney to pull all of the theory, and all of the evidence into a complete package. You can review tort actions, and who has the burden of proving what, and going forward, but I didn't really know how to use the package, how to use the

law, how the rules track each other. The U.S. attorney's office gave me that grounding, completing my education as an attorney.

After that, I joined the court staff as a hearing commissioner in the criminal division. Initially, my duties were limited to the criminal division, and the initial approval of the persons arrested in the District of Columbia for the establishment of bond, or future hearing dates, finding probable cause, and some judge trial matters, such as soliciting prostitution cases. There I became essentially a judge, and I served in that capacity until today.

I am still doing initial appearances, bail hearings, preliminary hearings on probable cause, and minor bench trials. However, now, I am doing small claims adjudications, and some family matter adjudications, and have the authority to grant uncontested divorces, which is an expansion of the commissioner role for me.

I think that the progression has been, for the past 11 years, toward the bench. I have, in the last 3 years, actually been a sitting judicial officer. I have been prepared for the assumption of greater authority, and to have exercised limited judicial authority for some period of time.

Senator MATHIAS. So you feel that you have been progressing toward judicial duties in years past.

Mrs. QUEEN. Yes, I do.

Senator MATHIAS. In your experience in litigation, I am sure that you must have some recollections, some memories of judges who were helpful, and others who were less helpful. There is a duty in the bar to undertake continuing education of younger lawyers. There is an education responsibility on the part of judges. I wonder how you feel about that.

Mrs. QUEEN. I told you that litigation finishes the packaging of the lawyer in terms of bringing all rules of the law into focus. In a trial situation, everything must be focused. I don't think any new lawyer really knows how to do it. The judge must give some guidance, even a small nod of approval, bench conferences, and set an interesting way to guide.

It might be more effective, if the rules would permit that we simply tell a young lawyer what should be done. However, I think the thing that we must be cautious about is never to embarrass or, perhaps, belittle, or make counsel feel less than adequate to the task.

You want to encourage and teach, but you want the lessons to take hold. So it is a delicate balance that must be struck. I usually find it effective to tell them first in a private way, and then later, if a procedure is not carried out properly, then we discuss it so that it focuses their attention on where the lesson is to be applied. I think that that works well.

You must always be mindful of the fact that, if you are talking to a corporation's counsel, his employer is watching, and you don't want to jeopardize their relationship; if you are talking about retained counsel and a private client, you don't want the client to have his confidence in his attorney shaken because the relationship must be maintained over a long period of time.

Senator MATHIAS. So as a judge, you would not feel that it would be proper to ridicule counsel in an open court.

Mrs. QUEEN. No.

Senator MATHIAS. Would you reprimand counsel in an open court?

Mrs. QUEEN. No, not in open court.

Senator MATHIAS. I would agree with that assessment. I think there may be occasions when reprimands are in order, but it should be done in a manner and at a time which is appropriate. I have had some personal experience with both kinds of judges, those who consider and make their point in a proper way, and thus make the point much more properly and effectively, and the kind of judge who bullies lawyers, particularly young lawyers, creating some resentment and probably very little education.

Mrs. QUEEN. I agree with that.

Senator MATHIAS. Is there anything that you would like to add?

Mrs. QUEEN. No, sir.

Senator MATHIAS. I see that your family is with you. Would you like to introduce them?

Mrs. QUEEN. Yes. I will start with the young lady on the end, my stepdaughter, Angie Queen, from Minneapolis, MN. The young man in the blue suit and bow tie is my son, George. This is my husband, Charles, the taller of the two gentlemen.

Senator MATHIAS. We are very happy to have all of them with us this morning. You will need their help, support, and patience and understanding. I am glad that they are here today to participate in this hearing.

Mrs. QUEEN. I would like to thank your staff, they have been most helpful and encouraging to me.

Senator MATHIAS. We had hoped to have other members of the committee present, but the Senate was in session until 1 o'clock this morning, which may deter some of those who might otherwise be here. We will hold the record open until the close of business on Friday. During that period of time, some members, who were unable to be here today, may have some questions that they would like to put out to you. I would suggest that they do so in writing, and I would request that you respond to them in writing, so that the questions and the answers may be made part of the record. We will then close the record at the close of business Friday, and hopefully be able to proceed and consider the nomination before the end of the month.

Mrs. QUEEN. Thank you.

Senator MATHIAS. Thank you very much.

There being no further business before the committee, the committee will stand in recess subject to call of the Chair.

[Whereupon, at 9:55 a.m., the committee recessed, subject to the call of the Chair.]

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